IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 21ST MARCH 2007 / 30TH PHALGUNA 1928

WP(C).No. 34368 of 2006(N)

PETITIONER:

SHEEJA K.,
TEACHER, V.P. L.P.SCHOOL,
CHOKLI, KANNUR DISTRICT.

BY ADV. SRI.BOBY MATHEW

RESPONDENTS:

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1. ASSISTANT EDUCATIONAL OFFICER,
OFFICER OF THE ASSISTANT EDUCATIONAL OFFICER,
CHOKLI, KANNUR DISTRICT.

2. THE MANAGER,
V.P. L.P.SCHOOL, CHOKLI, KANNUR DISTRICT.

3. THE HEADMISTRESS,
V.P. L.P.SCHOOL, CHOKLI, KANNUR DISTRICT.

R1 BY GOVERNMENT PLEADER (SHRI A. J. VARGHESE)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C. NO. 34368 OF 2006 N

Dated this the 21st March, 2007

JUDGMENT

Petitioner challenges Ext.P1. Case of petitioner, in brief, is as follows:

Petitioner is a teacher working in an Aided Lower Primary School with effect from 30.7.2003. Her appointment has been duly approved and salary is being paid. There was no problem for her post during the staff fixation during the successive academic years. By Ext.P1 order issued by first respondent AEO, petitioner is sought to be removed. She was informed by Ext.P1 that the teacher in the Upper Primary School has lost the post during the academic year 2005-2006. As per the letter of the DEO dated 27.11.2006, it was directed that the petitioner is the junior-most LP School Teacher to be thrown out from service with effect from 15.7.2005 for accommodating the UP School Teacher. I feel that the complaint of the petitioner, if any, can be addressed before the Government under Rule 92 of

Chapter XIV A KER. Accordingly, the Writ Petition is disposed of as follows:

If the petitioner prefers a Revision Petition before the Government under Rule 92 of Chapter XIV A KER within a period of two weeks from today, a decision will be taken by the Government in accordance with law, after affording an opportunity of hearing to the petitioner and any other affected party, within a period of two months from the date of the Revision Petition. In view of the fact that the petitioner has already obtained an interim order keeping the impugned proceedings in abeyance, Ext.P1 shall be kept in abeyance for a period of three weeks from today. It is open to the petitioner to seek interim order against Ext.P1, in which case, appropriate orders shall be passed thereon by the Government in accordance with law within a period of five days from the date of receipt of such interim application.

kbk. **K. M. JOSEPH, JUDGE**